FILED

MAY 2 0 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	) MAGISTRATE CASE NO: **08MJ8448**
Plaintiff,	) COMPLAINT FOR VIOLATION OF
v.	) 8,U.S.C.,§ 1324(a)(2)(B)(iii)) Bringing in Alien(s) Without
Aaron GALE-Velazquez,	) Presentation (Felony)
Defendant.	) **"AMENDED"**

The undersigned complainant, being duly sworn, states:

That on May 15, 2008, within the Southern District of California, defendant Aaron GALE-Velazquez, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Mayra ENCARNACION Cruz, had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

This complaint is based on the attached Probable Cause Statement which is incorporated herein by reference.

GUSTAVO BARRETO
CBP Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF MAY 2008.

PETER. C. LEWIS
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Aaron GALE-Velazquez

STATEMENT OF FACTS

The Statement of Facts is being amended to reflect the correct name of the Material Witness as Mayra ENCARNACION-Cruz instead of the defendant's name, Aaron GALE-Velazquez.

On May 15, 2008, at approximately 8:30 P.M., Aaron GALE-Velazquez (Defendant) arrived at the Calexico, California, East Port of Entry, as the driver of a grey Ford Escort. Defendant presented a United States Passport bearing his name and photograph as his entry document to Customs and Border Protection (CBP) Officer Salazar. During the primary inspection, Defendant gave a negative Customs declaration to CBPO Salazar. Defendant claimed ownership of the vehicle and stated he was going shopping at Wal-Mart in Calexico to CBPO Salazar. CBPO Salazar queried Defendant on primary terminal, resulting in instructions to refer the Defendant for further inspection.

At the vehicle secondary lot CBP Canine Officer Taylor with his Human Narcotic Detector Dog (HNDD) Sherra screen the vehicle Defendant was driving. HNDD Sherra gave a positive alert to the dash board area of the vehicle. CBPO Felix escorted Defendant inside the vehicle secondary office and CBP Supervisor Herzog assisted Mayra ENCARNACION Cruz (Material Witness) to exit the compartment.

During a videotaped proceeding, Defendant was advised of his rights per Miranda. Defendant stated he understood his rights and would speak without counsel. Defendant stated he was offered a job by a family member's friend to smuggle a person inside a compartment. Defendant stated the only reason he came to the United States today was to smuggle a person inside the dash board compartment. Defendant admitted he was going to be paid $600.00 once he delivered the person at the Mc Donald's in Calexico, California and return to Mexico.

Material Witness stated she is a native and citizen of Mexico with no legal documents to enter, reside or pass through the United States. Material Witness stated her boyfriend made the smuggling arrangements to be smuggled into the United States. Material Witness states she was put inside the compartment by an unknown male in Mexicali, Mexico and spent approximately fifteen minutes inside before she was discovered by CBP Officers. Material Witness stated her final destination would have been Fresno, California to reunite with her boyfriend and seek employment.

Material Witness:

Name	Country of Birth
Mayra ENCARNACION-Cruz	MEXICO

Further, the complainant states that she believes said alien is a citizen of a country other than the United States; that said alien has admitted that she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial by subpoena; and she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.